mutilated body was found in a lane off Kim Keat Avenue last night.

Thirteen rival gangsters had pounced on him as he strolled towards a football field shortly after he had taken his dinner. An axe, aerated water bottles and wooden clubs were used in the attack, which is believed to be a continuation of the blood feud between the 08 and 24 groups."

"Ipoh. Monday.

Police last night moved against the powerful secret societies operating in Ipoh with a big round-up of suspected gangsters all over town.

Eighteen persons were detained.

The crackdown follows what is believed to be a gang war between two powerful groups who control the extortion racket in Ipoh.

Lined up on one side is the Pak Sin, with its stronghold in Guntong New Village. Opposing them are the Seong Foo Sun and Loong Pak Fu who operate in Pasir Pinji New Village and the old town area.

The current gang war is believed to have been touched off by the Pak Sin when a rival was slashed in a clash in Leech Street on Tuesday night."

The "Pak Fu" is the society which the appellant in this case told the victim he belonged to. I turn over the page.

"Kuala Lumpur. Monday.

Thirty-nine tappers arrived here yesterday from Kuala Kangsar to see the centenary celebration.

When they left all were footsore and weary. But 10 were more sore than the rest. They had been beaten up by a gang of between 10 and 20 men outside Bukit Bintang Park."

And so it goes on, and almost every day of the week we read of gangs of young thugs entering private dwellings, shops, coffee houses and so forth and inflicting very severe injuries upon their victims.

Now, how does that connect with what I have just said about a class of cases in which although no violence is used violence is undoubtedly involved? Because it is purely fortuitous that in a case of this kind no violence is used. The threat itself is sufficient. These gangsters have gained the upper hand over law-abiding citizens who are so terrified of them that they do not dare to resist their demands. We all know perfectly well what would happen to any member of the public who refused to play the game according to the secret society rules. We read day after day of the finding of arsenals of weapons — exceedingly dangerous and often lethal weapons — belonging to these gangsters. They have only got to go into a shop and demand a sum of money which is a multiple of three, like $36 or $108, and the implied threat is sufficient because those are the numbers which are used by these secret societies in their extortion demands; and naturally no actual violence or brutality is used for the simple reason that the victim of the demand is not going to run the risk, for the sake of a few dollars, of having himself carved up with parangs or battered with bicycle chains. In that class of cases, then, as it appears to me, the thug who has not had occasion to implement his threat of violence deserves corporal punishment just as much as if he had inflicted it.

For these reasons, the appeal against sentence is dismissed.

Appeal dismissed.

FOO TIANG KWANG v. PUBLIC PROSECUTOR

[A.Cr.J. (Smith J.) March 2, 1959]

[K.L. — Criminal Appeal No. 2 of 1959]

Criminal Law and Procedure — Fraudulently inducing cash payment by false pretence — Obtaining blood for transfusion — Charge for cheating under Penal Code s.420.

The appellant was convicted and sentenced on a charge under section 420 of the Penal Code with cheating a woman by fraudulently inducing her to hand over $300 in cash by falsely pretending to her that he was in a position to obtain blood for transfusion to her husband. The facts of the case were that the complainant's husband was a patient in the District Hospital, Klang. As there was no blood of his group in the blood bank, the complainant was told to look for a blood-donor or buy blood. The appellant came to see her one day and said that there was blood available and that it would cost her $300, whereupon she paid the appellant $300 by instalments. As a result the appellant approached an Indian acquaintance to give blood for one of his (appellant's) relatives. The acquaintance did so and the blood was administered to the complainant's husband.

Held: on these facts the complainant was in no way cheated by the appellant. She paid the money for a pint of blood to be administered to her husband and the appellant caused it to be supplied to her husband, thereby fulfilling his part of the transaction.

Appeal allowed. Refund of $300 compensation ordered.

MAGISTRATE'S APPEAL.

David Anthony for the appellant.

Harun bin Hj. Idris (Federal Counsel) for the respondent.

Smith J.: The appellant was charged under section 420 of the Penal Code with cheating a woman by fraudulently inducing her to hand over $300 in cash by falsely pretending to her that he was in a position to obtain blood for transfusion to her husband.

The facts of the case were that the complainant's husband was a patient in the District Hospital, Klang. There was no blood of this group in the blood bank. The complainant

was told that she should look for a blood-donor. She could find nobody. It was suggested to her that she should buy blood. The appellant came to see her one day and said that there was blood available. The complainant asked him how much it would cost and he replied $300. She gave him $300 in three instalments. As a result the appellant approached an Indian acquaintance and requested him to give blood for one of his (the appellant's) relatives. The acquaintance did so and the blood was administered to the complainant's husband.

The learned Deputy Public Prosecutor did not contest that on these facts the complainant was in no way cheated by the appellant. She wanted a pint of blood of a group which could be administered to her husband for which she was prepared to pay $300. She paid $300 and the appellant caused it to be supplied to her husband and thereby fulfilled his part of the transaction. With the ethics of this transaction the Court is not concerned. I therefore allowed the appeal, quashed the conviction and sentence, and ordered that the sum of $300 compensation paid to the complainant by the appellant be returned by the complainant forthwith.

Appeal allowed.

PUBLIC PROSECUTOR v. LIM KWAI THEAN

[R.Cr.J. (Good J.) January 17, 1959]

[Ipoh — Criminal Revision No. 27 of 1958]

Emergency (Registration Areas) Regulations, 1948, regs. 10(1) and 20A — Identity Card — Failure to produce on demand — Onus to establish whether person is or is not required to be registered — Persons exempted from registration — Presumption — Rebuttal.

Evidence Ordinance, 1950, s.106—"Especially" — Effect of — Practicability and convenience — Consideration of, in construing s.106.

Registration Areas — Observations.

The accused was charged with failure to produce his identity card when asked for by a police officer. The facts were that when he, driving a lorry, arrived at a police road block or food check he did not stop, but one of the constables on duty there called out after him and then he stopped. The constable went up to him and asked him to produce his identity card but he failed to do so. At the trial his counsel submitted that the onus lay upon the prosecution to establish affirmatively that the accused was a person required to be registered under the Emergency (Registration Areas) Regulations and submitted that as no such proof had been given by the prosecution, there was no case for the accused to answer.

Held: (1) in the Federation of Malaya as a result of orders and declarations made under the Emergency Regulations there is a presumption that any adult is a person required to register under these Regulations;

(2) the onus lay on the accused to prove that he was not within the application of these Regulations;

(3) the effect of the word "especially" in section 106 of the Evidence Ordinance is that if it is an easy matter for the person concerned to prove a fact that the proof of which by the prosecution would present the prosecution with inordinate difficulties, then ordinary common sense demands that the balance of convenience should be in favour of the prosecution.

Cases referred to:—

(1) *Abdul Manap v. Public Prosecutor* [1952] M.L.J. 140, C.A.

(2) *Busu v. Public Prosecutor* [1948-49] M.L.J. Supp. 140, C.A.

(3) *Lim Ah Tong v. Public Prosecutor* [1948-49] M.L.J. Supp. 158, C.A.

CRIMINAL REVISION.

F. G. Cooke (Sr. Federal Counsel) for the prosecution.

A. S. Yeo for the accused.

Good J. delivering oral judgment: This case was submitted for revision at the instance of the learned Magistrate who tried it. The accused was charged before him in the Magistrate's Court at Kuala Kangsar with an offence under Regulation 10(1) punishable under Regulation 20A of the Emergency (Registration Areas) Regulations, 1948. The charge was —

"That you on June 17, 1958 at about 3.30 p.m. at Police Food Check at 32½ milestone Kenas Road, Kuala Kangsar, in the district of Kuala Kangsar, in the State of Perak, did fail to produce your NRIC when asked by a Police Officer in uniform in execution of his duty, and you have thereby committed an offence under Regulation 10 (1) and punishable under Regulation 20A of the Emergency (Registration Areas) Regulations, 1948."

The facts given in evidence by the prosecution were that the accused was driving a lorry, and when he arrived at a Police road block or food check he did not stop but one of the constables on duty at the road block called out after him and he then stopped. The constable went up to him and asked him to produce his identity card which he did not produce. The Regulation under which he was charged provides as follows:—

"Any police officer and any person authorised for the purpose by the Chief Police Officer may at any time require any person required to be registered under these Regulations to produce his identity card for inspection, and, if such person refuses or fails to produce such card on demand or within such time as such police officer or